

Fiscal Note & Local Impact Statement

127th General Assembly of Ohio

Ohio Legislative Service Commission
77 South High Street, 9th Floor, Columbus, OH 43215-6136 ♦ Phone: (614) 466-3615
♦ Internet Web Site: <http://www.lsc.state.oh.us/>

BILL: **Am. H.B. 450** DATE: **November 18, 2008**
STATUS: **As Passed by the House** SPONSOR: **Rep. Goodwin**
LOCAL IMPACT STATEMENT REQUIRED: **No — No local cost**
CONTENTS: **Underage purchase of a handgun**

State Fiscal Highlights

STATE FUND	FY 2009 – FUTURE YEARS
General Revenue Fund (GRF)	
Revenues	Potential negligible annual loss in locally collected state court costs
Expenditures	- 0 -
Victims of Crime/Reparations Fund (Fund 0402)	
Revenues	Potential negligible annual loss in locally collected state court costs
Expenditures	- 0 -

Note: The state fiscal year is July 1 through June 30. For example, FY 2009 is July 1, 2008 – June 30, 2009.

- **Court cost revenues.** The bill may result in slightly fewer misdemeanor handgun purchase violation convictions than might otherwise have occurred under current law, the practical state fiscal effect of which is that the state's GRF and Fund 0402 are likely to lose no more than a negligible amount of locally collected court cost revenues annually. For the purposes of this fiscal analysis, a negligible loss in state revenues means an estimated decrease of less than \$1,000 per year for either state fund.



Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2009 – FUTURE YEARS
Counties and Municipalities	
Revenues	Potential negligible annual loss in court costs and fines
Expenditures	Potential negligible annual decrease in criminal justice system costs

Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.

- County and municipal criminal justice systems.** The potential local fiscal effects of the bill – the charging and prosecuting of fewer persons for handgun purchase violations – could be a decrease or savings in the affected county or municipal criminal justice system's annual operating expenses, as budgeted resources would not need to be expended for that purpose, and the loss of fine and court cost revenues that might otherwise have been collected from a person convicted of a handgun purchase violation. If, as LSC fiscal staff research suggests, such violations are currently infrequent or rare, then the likely local fiscal effect will be negligible. For the purposes of this fiscal analysis, negligible in the context of county and municipal criminal justice systems means a change in revenues and/or expenditures estimated at no more than \$1,000 per year for any affected local criminal justice system.

Detailed Fiscal Analysis

Underage handgun purchases

Current law prohibits any person under age 21 from purchasing or attempting to purchase a handgun unless that person is a qualified law enforcement officer. A violator of this prohibition is guilty of "underage purchase of a handgun," a misdemeanor of the second degree. The bill carves out a second exception to that prohibition by permitting a member of the armed forces or the Ohio National Guard who is between the ages of 18 and 21 to purchase a handgun if the person has received firearms training.

As a result of the bill, it is possible that certain underage persons that might have been arrested, prosecuted in a county court or a municipal court, convicted, and subsequently sanctioned for attempting to purchase a handgun under current law will likely not be so arrested, prosecuted, convicted, and sanctioned. LSC fiscal staff's research into this matter suggests that the number of situations in which such a violation is committed by a member of the armed forces or the Ohio National Guard is likely rare. In fact, staff of the Adjutant General's Department was unaware of any such violations having been committed by a member of the Ohio National Guard.

Local fiscal effects

The potential local fiscal effect of the above-noted outcome – the charging and prosecuting of fewer persons for handgun purchase violations – could be a decrease or savings in the affected county or municipal criminal justice system's annual operating expenses, as budgeted resources would not need to be expended for that purpose. In addition, affected counties and municipalities may lose some mix of fine and court cost revenues that might

otherwise have been collected from a person convicted of a handgun purchase violation. If, as LSC fiscal staff research suggests, such violations are currently infrequent or rare, then the likely local fiscal effect will be negligible. For the purposes of this fiscal analysis, negligible in the context of county and municipal criminal justice systems means a change in revenues and/or expenditures estimated at no more than \$1,000 per year for any affected local criminal justice system.

State fiscal effects

In addition to any fines and local court costs imposed, those convicted of violating a misdemeanor generally must pay locally collected state court costs. State court costs for a misdemeanor conviction total \$24, of which \$9 is credited to the Victims of Crime/Reparations Fund (Fund 0402) and \$15 is credited to the GRF. As noted, the bill may result in slightly fewer misdemeanor handgun purchase violation convictions than might otherwise have occurred under current law, the practical state fiscal effect of which is that the GRF and Fund 0402 are likely to lose no more than a negligible amount of annual revenue. For the purposes of this fiscal analysis, a negligible loss in state revenues means an estimated decrease of less than \$1,000 per year for either state fund.

Potential indirect effects

A potential indirect fiscal effect of the bill's underage purchase of a handgun provision probably merits a closing note. As a result of the bill, certain underage persons will be permitted to purchase a handgun. Such a purchase presumably includes the seller collecting the appropriate state and local sales tax revenue from the buyer. The magnitude of the resulting revenues that might be collected by the state or any given local taxing authority annually is uncertain.

Concealed carry license residency criterion

The bill also contains a provision clarifying the residency criterion for the issuance of a concealed carry license for persons who are absent from, or who are present in, the state in compliance with military or naval orders. This provision might result in fewer denials of license applications, or perhaps an increase in the number of new applications from service members whose uncertainty over residency issues may have deferred them from seeking a license. Either of these outcomes appears likely to be relatively small in number per year. If true, then the annual revenue and expenditure effects of this provision on the two primary governmental entities involved in the issuance of concealed carry licenses – the Attorney General's Bureau of Criminal Identification and Investigation (BCII) and county sheriffs – will be negligible.

LSC fiscal staff: Joseph Rogers, Senior Budget Analyst

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